

NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI  
Commission on Environmental Quality  
Department of Environmental Quality

NOV 22 2005

Mississippi Commission on Environmental  
Quality  
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Specific Legal Authority Authorizing the promulgation of  
Rule:

Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, and 49-17-25  
(Rev. 2003); Miss. Code Ann. §§ 25-43-2.103, 25-43-2.204,  
and 25-42-3.104(2)(d) (Rev. 2003)

Reference to Rules repealed, amended or suspended by the  
Proposed Rule:

None.

Date Rule Proposed: September 16, 2005

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:** The purpose of the proposed Rule is to satisfy requirements of the Mississippi Administrative Procedures Act, Miss. Code Ann. §§ 25-43-1.101 et seq. (Rev. 2003), which became effective on July 1, 2005, requiring the Mississippi Commission on Environmental Quality ("Commission") to provide rules for "the form, contents, and filing of written requests for declaratory opinions," for "the procedural rights of persons in relation to the written requests," and for "disposition of the written requests." The Commission must also "adopt as a rule a description of the organization and the agency which states the general course and method of its operations," and may also adopt rules of practice for rule-making.

**The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.**

☒ An oral proceeding was held on this rule:

Date: October 18, 2005

Time: 4:00 p.m.

Place: Mississippi Commission on Environmental Quality Hearing Room, 2380 Highway 80 West,  
Jackson, Mississippi

☐ An oral proceeding was not held on this rule.

**The Agency has considered the written comments and the presentations made in any oral proceedings, and**

☐ This rule as adopted is without variance from the proposed rule.

☒ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed rule. The differences however are:

Within the scope of the matter in the notice of proposed rule adoption,

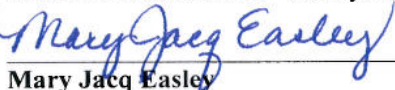
The logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted response thereto, and

The Notice of Proposed rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Adopted: November 17, 2005

Effective Date of Rule: 30 days after date of filing



Mary Jacq Easley  
Senior Attorney